IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Crl.Rev.Pet.No. 548 of 1998()

CRA.17/1994 of III ADDL.SESSIONS COURT, ERNAKULAM
CC.46/1989 of CHIEF JUDL.MAGISTRATE COURT, ERNAKULAM

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REVN. PETITIONER: APPELLANT/ACCUSED:

K.N.MURALEEDHARAN
S/O.NARAYANA MENON
HOUSE NO.XIV/1907, KOODIYEDETH HOUSE
KOLOTHUMUKKU, NEW ROAD, KOCHI.

BY ADV. SRI.T.K.PANKAJASHAN PILLAI

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE REPRESENTED BY THE INSPECTOR OF C.B.I., KOCHI
R.C.NO.13/88

BY ADV. SRI.K.P.SATHEESAN
SRI.S.SREEKUMAR, SC FOR CBI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.548 of 1998

Dated this the 26th day of February, 2007

ORDER

Revision petitioner stands convicted for the offence under Section 420 and sentenced, as modified by the appellate court, to undergo simple imprisonment for six months. The allegation is that the revision petitioner, by availing bills discounting facility, cheated the State Bank of Travancore, Kochi branch to the tune of Rs.1,45,874/-. It is seen that he consigned pepper stalk misrepresenting that the same is Jathipathri. The findings as to the conviction is concurrent. Revision petitioner could not bring out any incongruity in evidence adduced. I find on consideration of the evidence adduced in the matter that there is no scope for interference in the above finding.

2. The counsel for the revision petitioner has pointed out that the entire amount has been paid. It is submitted with respect to the amount concerned, there was a civil suit and vide Exts. D3 and D4, that is judgment and decree in the above matter that the entire amount has been paid. The matter is of

the year 1985 and two decades is over since the commencement of the prosecution. In the circumstances, I find that it is only proper to modify the sentence to one of imprisonment till the rising of the court and to pay a fine of Rs.25,000/- and in default, to undergo simple imprisonment for six months. Revision petitioner is granted two months' time to pay the fine amount.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.742 of 1998

ORDER

21st February, 2007